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Letter dated 8 February 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Mali to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith the final version of the assessment of the work of the Security Council during the Mali Presidency, in December 2001 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Cheickna **Keita**
Chargé d'affaires a.i.

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Annex to the letter dated 8 February 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Mali to the United Nations addressed to the President of the Security Council

[Original: English/French]

Assessment of the work of the Security Council during the presidency of Mali (December 2001)

During December 2001, the second presidency of Mali of the Security Council set for itself the priority objective of placing questions relating to Africa back on the Council's agenda at a time when international events were dominated by the struggle against international terrorism and the situation in Afghanistan. The Mali presidency, in keeping with the objective of promoting transparency in the Council's working methods, also maintained the new practice of establishing the list of speakers for public meetings of the Council through the drawing of lots.

The programme of work of the Security Council for the month of December 2001 largely reflected this objective.

Africa

Central African Republic

On 6 December, the members of the Council were briefed by the Under-Secretary-General for Political Affairs, Kieran Prendergast, on the situation in the Central African Republic and the activities of the United Nations Peace-building Support Office in the Central African Republic (BONUCA).

Council members took note of the conclusions of the recent summits of the Community of Sahelo-Saharan States (COMESSA) and the Central African Economic and Monetary Community (CEMAC), held respectively at Khartoum and Libreville (4 and 5 December 2001).

Members of the Council expressed their profound concern at the continuing acts of violence and the exacerbation of internal tensions in the Central African Republic.

Council members reiterated the appeal for dialogue and calm which they had made to the parties.

Members of the Council expressed their concern at the gravity of the economic situation and encouraged the international community to make further efforts on behalf of the Central African Republic. Council members called on the Central African authorities to continue the reforms undertaken, particularly with regard to the resumption of political dialogue, the improvement of public finances and the restructuring of the armed forces. They welcomed the holding in Paris, on 20 December 2001, of the meeting of donors. They encouraged the donors to honour, as soon as possible, the commitments made at the meeting held in New York in May 2000.

Council members reaffirmed their support for the efforts of the Representative of the Secretary-General in the Central African Republic.

The President informed the members of the Council about the conclusions reached at the interview that he had given on 5 December to the Prime Minister and Head of Government of the Central African Republic, Martin Ziguélé. At that meeting, the Central African Prime Minister informed the President of the Council of the conclusions reached at the COMESSA and CEMAC summits. Mr. Ziguélé encouraged the Council to intercede with the international financial institutions in order to support the efforts aimed at economic recovery and the restructuring of the Central African army.

At the end of the meeting, the President of the Council was authorized to make a statement to the press.

Burundi

On 7 December, Council members held consultations on the situation in Burundi. During those consultation, the Under-Secretary-General for Political Affairs introduced the interim report of the Secretary-General on the situation in Burundi (S/2001/1076) containing, inter alia, a recommendation on strengthening the United Nations Office in Burundi.

The Under-Secretary-General explained the reasons why the strengthening of the Office was requested.

Council members supported that recommendation, considering that it aimed at implementing the Arusha Peace Agreement.

The Under-Secretary-General also provided an update on the political, military and security situation in Burundi, after which Council members condemned the unjustifiable attacks that had been carried out by armed groups since 1 November 2001, date of the establishment of the transitional government of Burundi. They called upon the armed groups to halt their hostilities and to begin, without any conditions, negotiations with the transitional government. In that regard, members of the Council welcomed the mission entrusted to the President of Gabon, Omar Bongo, and the Deputy President of South Africa, Jacob Zuma, to facilitate the negotiations between the armed groups and the Government. Council members commended the efforts of the South African protection unit and encouraged the transitional government to set up speedily a Burundian special protection unit. Lastly, Council members recalled the role that should be played by the international community with regard to Burundi, in particular calling upon the international community to honour its commitments made at the donor conferences held in Paris in December 2000 and Geneva in December 2001.

At the end of the meeting, the President of the Council was authorized to make a statement to the press.

Democratic Republic of the Congo

On 12 December, Council members held consultations during which they considered the addendum to the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2001/1072). The Chairman of the Panel of Experts, Ambassador Mahmoud Kassem, introduced the main recommendations contained in the addendum, including the recommendation concerning a moratorium on the importing of certain precious products (coltan, diamonds, gold and timber) from the areas of the Democratic Republic of the Congo controlled by foreign forces or held by rebel groups.

Members of the Council welcomed the report of the Panel of Experts, which, like the final report, confirmed the link between the illegal exploitation of natural resources and the continuation of the conflict in the Democratic Republic of the Congo. They agreed in principle on the extension of the mandate of the Panel of Experts for a further period of six months and decided to hold an open debate on 14 December on the addendum to enable, in particular, the States referred to to express their view on the matter.

On 14 December, the Security Council held an open debate during which it considered the addendum to the report of the Panel of Experts on the Illegal Exploitation of the Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (see S/PV.4437).

The Minister for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo, the Vice-Prime Minister and Minister for Foreign Affairs of Uganda, the Minister for Foreign Affairs of Zimbabwe, the Vice-Minister for Foreign Affairs of the United Republic of Tanzania and the Special Envoy of the President of Rwanda for the Democratic Republic of the Congo expressed the position of their Governments on the question.

Following the open debate, the Council adopted, on 19 December, a presidential statement (S/PRST/2001/39), by which it, inter alia, extended the mandate of the Panel of Experts for a period of six months at the end of which the Panel should report to the Council. The Panel is to submit an interim report after three months.

On 19 December, Council members held consultations during which they were briefed by the Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno.

The Under-Secretary-General informed the members of the Council of the latest developments concerning the political situation, particularly the preparations for the inter-Congolese dialogue, the military situation with the troop movements in the eastern Democratic Republic of the Congo, and the activities of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC).

Council members expressed concern at the troop movements in the eastern Democratic Republic of the Congo. They called upon all the parties to refrain from any military operations in the eastern part of the country and encouraged them to cooperate with

MONUC and the Joint Military Commission. Council members welcomed the recent progress made in Abuja with a view to preparing the inter-Congolese dialogue and encouraged the Government, RCD/Goma and MLC to continue their efforts to make progress in the preparations for the inter-Congolese dialogue.

At the end of those consultations, the President was authorized to make a statement to the press.

Sierra Leone

On 13 December, the Security Council was briefed by Ambassador Iftekar Chowdhury (Bangladesh), the Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone.

In his briefing, Ambassador Chowdhury stated that a second report was expected from the Government of Sierra Leone on the implementation of its Certificate of Origin regime for diamonds. He noted that the regime had made it possible to limit the flow of Liberian diamonds to Sierra Leone, while recognizing the continuation of the illicit trafficking in diamonds, and encouraged the Government of Sierra Leone to strengthen its capacity to monitor the diamond fields. Ambassador Chowdhury also informed the Council members that he had received, on 12 December 2001, a letter from the Permanent Representative of Sierra Leone indicating his Government's agreement to an extension by 12 months of the prohibition on the import of rough diamonds from Sierra Leone imposed under paragraph 1 of resolution 1306 (2000).

Council members expressed concern at the reverse flow of Liberian diamonds to Sierra Leone, following the adoption of resolution 1343 (2001) concerning Liberia.

At the end of the meeting, the President of the Council was authorized to make a statement to the press, in which Council members stated their readiness to extend the prohibition on the export of Sierra Leonean diamonds.

To that end, the Council adopted, on 19 December 2001, resolution 1385 (2001).

West Africa

On 18 December, the Security Council considered, at an open meeting (see S/PV.4439), the development of the situation in West Africa, eight months after the publication of the report of the Inter-Agency Mission in May 2001.

During the open debate, the Council was briefed by the Assistant Secretary-General for Political Affairs, Ibrahima Fall, on the progress made during the period under consideration, namely the positive development of the peace process in Sierra Leone, the holding of the national reconciliation forum in Côte d'Ivoire, the suspension of the legislative elections in Guinea, the sending of a World Bank and United Nations Development Programme mission to Guinea-Bissau, the holding of democratic elections in Ghana and Gambia, and the forthcoming opening of the United Nations Office for West Africa.

Nevertheless, the Assistant Secretary-General noted that the risks of political, economic and social instability were still perceptible in the West African subregion, as demonstrated by the lack of funds for the disarmament, demobilization and reintegration programme in Sierra Leone, the continued fighting in Liberia, the unbridled circulation of small arms and light weapons, the phenomenon of child soldiers and trafficking in children, the extreme poverty of the populations, the weakness of the economies, and the absence of justice and national reconciliation.

Council members and delegations participating in the debate:

- Paid a tribute to the work of the President of Mali, Alpha Oumar Konaré, as head of the Economic Community of West African States (ECOWAS) and commended the decisive role which that subregional organization continued to play for peace and development in West Africa;
- Noted the positive development of the peace process in the Mano River Union area;
- Expressed their support for the United Nations Office for West Africa;
- Stressed the need to strength the capacities of ECOWAS in the areas of conflict prevention and the maintenance and consolidation of peace;
- Also stressed the urgent need for solutions to the problems of the refugees and displaced persons;
- Reaffirmed the need to improve the coherence of the work of the Council and other intergovernmental bodies;

- Stressed the need for a comprehensive and integrated approach in the search for lasting solutions to the priority needs and problems of West Africa.

The Security Council adopted on 19 December a presidential statement (S/PRST/2001/38) concerning West Africa: a comprehensive and integrated approach in the search for lasting solutions to priority needs and problems.

At the meeting of the Executive Board of UNICEF held on 12 December, the President of the Security Council stressed the importance of creating opportunities to promote cooperation and collaboration between the intergovernmental organs of the United Nations system that have the capacity to affect situations on the ground. In this connection, we may seek to establish joint mechanism designed to ensure that the actions and decisions of UNICEF and of the Security Council, respectively, are complementary and mutually reinforcing, while fully respecting the scope of their own mandates. West Africa provides concrete examples of the opportunities for work that are now open to us. We can continue to ensure that our decisions have a positive impact on the lives of children affected by armed conflict.

Angola

On 21 December, the Security Council held an open briefing on the situation in Angola (see S/PV.4444).

The Secretary-General's Special Adviser on Africa, Ibrahim Gambari, made an oral report on the mission to Angola during that meeting.

In his report, the Special Adviser considered that there now existed a possible way to advance the peace process in Angola and that the United Nations should explore it. He also indicated that the Government of Angola was favourable to the Church establishing contacts with UNITA through the United Nations. Lastly, he referred to the humanitarian situation, and stated that there were 4.1 million displaced persons out of a total population of 12 million in Angola.

The Security Council members reaffirmed the validity of the Lusaka Protocol as a viable basis for the peace process in Angola. They regretted that UNITA was refusing to implement that instrument and stressed the relevance of the sanctions regime. Members of the Security Council also stressed the dynamic role of Angolan civil society.

With regard to the humanitarian situation, its was suggested that a meeting of the Security Council should be held on that question.

Middle East

Iraq

UNMOVIC

During the consultations held on 6 December, Hans Blix, Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), presented his seventh quarterly report, dated 29 November 2001 (S/2001/1126).

In introducing his report, the Executive Chairman said that, in the light of the events of 11 September 2001, it was urgent for the international community to combat the proliferation of weapons of mass destruction.

The Executive Chairman began his report by stressing the lack of cooperation on the part of Iraq. He stressed, in particular, that cooperation with the Commission would be the only way for Iraq to prove that it respected the relevant Security Council resolutions rather than unilateral allegations or statements.

He reported on the work accomplished by the College of Commissioners on the definition of key tasks relating to unresolved disarmament issues, which should be neither superfluous nor exaggerated.

The Executive Chairman said he was encouraged by the Security Council's adoption of resolution 1382 (2001) on 29 November 2001. The unanimity shown by the Council on that occasion proved that a better idea of the status of prohibited Iraqi programmes could be obtained only if the inspectors returned.

Council members welcomed the important preparatory work accomplished by UNMOVIC which, if it obtained Iraqi authorization, would be ready to begin work immediately.

Council members stressed the importance of the inspectors deploying with the cooperation of Iraq.

Council members welcomed the adoption of resolution 1382 (2001), which, while reaffirming the Council's commitment to a comprehensive settlement of the Iraqi question, should pave the way for providing the clarification necessary for the implementation of resolution 1284 (1999).

Repatriation of Kuwaiti and third-country nationals and return of Kuwaiti property

During the consultations held on 20 December, the High-level Humanitarian Coordinator, Yuly Vorontsov, introduced the sixth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999) on the repatriation or return of all Kuwaiti and third-country nationals and the return of Kuwaiti property, including archives, seized by Iraq.

In his introduction, the Coordinator indicated that no progress had been achieved in dealing with the question of Kuwaiti and third-country nationals. The lack of progress was due to Iraq's refusal to cooperate by turning over the information in its possession on 605 persons detained in Kuwait during its occupation.

The Coordinator, who said he was ready to meet with Iraqi authorities, stressed the need for urgent international action to change Iraq's attitude on this strictly humanitarian question.

The Coordinator said that there had been no developments with regard to Kuwaiti property; the national archives of Kuwait had not yet been restored to their proper location.

Council members expressed their unanimous support for the work of the High Coordinator and his efforts to repatriate Kuwaiti and third-country nationals and return Kuwaiti property. They expressed their deep concern about the fate of Kuwaiti and third-country nationals still missing and the hope that the question would continue to be viewed as strictly humanitarian by all interested parties.

Council members also said they were gravely concerned at the persistent refusal of the Government of Iraq to cooperate by returning stolen Kuwaiti property, in particular the national archives of Kuwait, and called on Iraq to resolve this problem urgently.

At the conclusion of the consultations, the President was authorized to make a statement to the press.

The situation in the Middle East, including the Palestinian question

In December, the Council continued its active monitoring of the situation in the Middle East, including the Palestinian question, in the light of the Israeli-Palestinian crisis.

On 13 December, the Permanent Representative of Egypt, Chairman of the Group of Arab States, in a letter addressed to the President of the Security Council, requested "the convening of an immediate meeting of the Security Council to consider the extremely dangerous situation in the occupied Palestinian territory and take the necessary action in that regard" (S/2001/1191).

On that same date, in another letter addressed to the President of the Security Council, the representatives of Egypt and Tunisia transmitted a draft resolution for expeditious action by the Council.

On 13 and 14 December, Security Council members engaged in intense informal consultations on that draft resolution, by which, inter alia, the Council demanded the immediate cessation of all acts of violence, provocation and destruction and called on the two sides to start the comprehensive and immediate implementation of the recommendations contained in the report of the Sharm El-Sheikh Fact-finding Committee (Mitchell report); and encouraged all concerned to establish a monitoring mechanism to help the parties implement the recommendations contained in the Mitchell report and to help create a better situation on the ground in the occupied Palestinian territories.

On 14 December, in the absence of a consensus among Council members, the text was issued provisionally at the sponsors' request (S/2001/1199).

On that same day, the Security Council, at the request of the Group of Arab States, held an urgent meeting during which it considered the situation in the Middle East, including the Palestinian question (see S/PV.4438).

At the conclusion of the meeting, the text contained in document S/2001/1199 was put to a vote. The result of the vote was 12 in favour, 1 against and 2 abstentions. The draft resolution was not adopted because of the negative vote of a permanent member of the Security Council.

Asia and the Pacific

Afghanistan

In December, the Security Council was regularly (5, 14, 19 and 20 December) briefed by the Secretariat on developments in the political, security and humanitarian situation in Afghanistan, particularly the developments in the negotiation process in Bonn and the establishment of the transitional institutions deriving from the Bonn Agreement.

In response to the positive developments in the situation in Afghanistan, the Security Council adopted, on 6 December, resolution 1383 (2001), endorsing the Agreement on provisional arrangements in Afghanistan, concluded on 5 December 2001 in Bonn.

With a view to the establishment of the Afghan Interim Authority, the Security Council, on 20 December, adopted resolution 1386 (2001) authorizing the deployment of a multinational force in Afghanistan for six months.

Bougainville, Papua New Guinea

During the consultations held on 16 December, Council members heard a briefing by Noel Sinclair, head of the United Nations Political Office in Bougainville.

Council members supported a one-year renewal of the mandate of the United Nations Political Office in Bougainville, stressing that its mandate would extend to the collection of arms.

They welcomed the signature of the Arawa Agreement and encouraged the parties to implement it as soon as possible.

At the conclusion of these consultations, the President was authorized to make a statement to the press.

Europe

Bosnia and Herzegovina

Introducing the interim report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (UNMIBH), the Assistant Secretary-General for Peacekeeping Operations, Hédi Annabi, stressed the major challenges which remained to be taken up there, inter alia, the strengthening of the border police service, the dismissal ("de-authorization") of police officers for wartime conduct, the resolution of difficulties in the judiciary system and the equipping of riot control units. With a view to taking up these challenges, the Assistant Secretary-General reiterated an appeal to the international community for contributions.

Council members welcomed the results achieved with regard to the activities of the border police service, the control of trafficking in human beings and in drugs and counter-terrorism. They found it regrettable that police efforts were not yet effectively followed up by the judiciary, which was making only slow progress. Public confidence, not only in the judiciary apparatus, but also in the police services, was of paramount importance to their effective functioning, Council members stressed.

Council members believed that, if it continued along this path, UNMIBH would be able to conclude its essential tasks before the end of its mandate in December 2002. They noted the ongoing process of streamlining the civilian presence in Bosnia under the auspices of the Peace Implementation Conference and in that regard the proposal of the Special Representative of the Secretary-General in Bosnia and Herzegovina, Jacques Paul Klein, to "recalibrate" the current structure of the civilian presence on the ground.

Cyprus

On 7 December, the Security Council, in accordance with resolution 1353 (2001), annex II, section A, held a private meeting with countries contributing troops to the United Nations Peacekeeping Force in Cyprus (UNFICYP).

During the meeting, the Council and the representatives of troop-contributing countries heard a briefing by the Director of the Europe and Latin America Division of the Department of Peacekeeping Operations, Joachim Hütter, who said he considered that the situation in Cyprus was calm.

During the consultations held on 12 December, Council members heard a briefing by the Special Adviser to the Secretary-General on Cyprus, Alvaro de Soto.

Council members welcomed the meeting held in Cyprus on 4 December 2001 between Glafcos Clerides and Rauf Denktash, respectively heads of the Greek

Cypriot and Turkish Cypriot communities, and encouraged them to make significant progress at their next meeting, scheduled for January 2002.

Council members expressed their concern about the restrictions imposed on the United Nations Force by the Turkish Cypriot authorities and the Turkish forces.

Council members reiterated their firm and unwavering support for the Secretary-General and his Special Adviser and for their continuous efforts within the framework of the establishment of a bi-zonal and bi-communal federation in Cyprus.

At the conclusion of the consultations, the President was authorized to make a statement to the press.

On 14 December, the Security Council adopted resolution 1384 (2001), in which it decided to extend the mandate of UNFICYP for a period of six months and urged the Turkish Cypriot side and Turkish forces to rescind the restrictions imposed on 30 June 2000 on the operations of the United Nations Force in Cyprus.

International Tribunal for the Former Yugoslavia

During the consultations held on 19 December, the Legal Counsel, Hans Corell, gave a briefing on the interpretation to be given to certain provisions of the statutes of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, further to the letter dated 14 November 2001 from Judge Claude Jorda, President of the International Tribunal for the Former Yugoslavia, addressed to the President of the Security Council, concerning the appointment of Judge Patrick Robinson of the Tribunal for Yugoslavia, who has double nationality (Jamaican and Saint Kitts and Nevis), to that Tribunal's Appeals Chamber.

The Legal Counsel referred to the question of the nationality of judges in other international judiciary organs, particularly the International Court of Justice and the International Tribunal for the Law of the Sea, where the principle of the customary exercise of civil and political rights prevails. He then outlined the Council's options in responding to the letter from President Jorda and the form that response might take (a letter from the President of the Security Council to Judge Jorda, a statement by the President of the Security Council or a Security Council resolution):

- The Security Council could request an advisory opinion from the International Court of Justice;
- The Council could point out to Judge Jorda the intentional absence in the statute of the International Tribunal for the Former Yugoslavia of a provision similar to article 3, paragraph 2, of the Statute of the International Court of Justice, and the President of the International Tribunal for the Former Yugoslavia would have to take this into account in his appointment of judges to the Appeals Chamber of that Tribunal;
- The Council, as a legislative authority, could consider amending the statutes of the two Tribunals to include a provision which would be identical to article 3, paragraph 2, of the Statute of the International Court of Justice.

With regard to the form that the Council's response might take, the Legal Counsel, while indicating his preference for a resolution amending the statutes of the two Tribunals, stressed that, in this particular case, the most important factor was a clear indication of the legislative authority's intentions.

Council members agreed that the question should be referred to the Informal Working Group of the Security Council on International Criminal Tribunals.

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Wrap-up

On 21 December, the Security Council held a public wrap-up meeting on its work in December 2001 (see S/PV.4445).

The meeting enabled the five outgoing non-permanent members (Bangladesh, Jamaica, Mali, Tunisia and Ukraine) to evaluate their participation in the work of the Council during the past two years. Questions of the transparency of the relations between the Council and the other organs of the United Nations system and of those between permanent and non-permanent Council members were addressed and discussed. Other, no less important issues, such as equity in dealing with conflicts in the world and the reform of the Council, were also discussed during the meeting.